

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

PLYMOUTH INDUSTRIES, LLC,)	
a Nebraska Limited Liability)	
Company,)	
)	
Plaintiff and Counterclaim)	8:05CV196
Defendant,)	
)	
v.)	
)	
SIOUX STEEL COMPANY,)	
a South Dakota Corporation,)	
)	
Defendant and Counterclaim)	
Plaintiff.)	
)	

PLYMOUTH INDUSTRIES, LLC,)	
a Nebraska Limited Liability)	
Company,)	
)	
Plaintiff and Counterclaim)	8:05CV469
Defendant,)	
)	
v.)	
)	
SIOUX STEEL COMPANY,)	ORDER
a South Dakota Corporation,)	
)	
Defendant and Counterclaim)	
Plaintiff.)	
)	

This matter is before the Court on motions for partial summary judgment filed by plaintiff and counterclaim defendant, Plymouth Industries, LLC, ("Plymouth") (Filing No. 21 in 8:05CV469) and defendant and counterclaim plaintiff, Sioux Steel Company ("Sioux Steel") (Filing No. 21 in 8:05CV196). Plymouth seeks partial summary judgment of infringement of U.S. Patent No. 6,951,189. Sioux Steel seeks partial summary judgment of non-

infringement of U.S. Patent Nos. 6,672,247 and 6,789,505. This matter is fully briefed and is now before the Court.

Having reviewed the motions, the parties' briefs and evidentiary submissions, and the applicable law, the Court finds that there are genuine issues of material fact as to whether the Sioux Steel Insert infringes Plymouth's Patents. The Court, therefore, will deny both parties' motions for partial summary judgment. Accordingly,

IT IS ORDERED:

1) Plaintiff/counterclaim defendant Plymouth Industries' motion for partial summary judgment of infringement (Filing No. 21 in 8:05CV469) is denied.

2) Defendant/counterclaim plaintiff Sioux Steel's motion for partial summary judgment of non-infringement (Filing No. 21 in 8:05CV196) is denied.

DATED this 7th day of February, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court